

ORDERED ACCORDINGLY.



1 **TIFFANY & BOSCO**
2 P.A.
3 **2525 EAST CAMELBACK ROAD**
4 **SUITE 300**
5 **PHOENIX, ARIZONA 85016**
6 **TELEPHONE: (602) 255-6000**
7 **FACSIMILE: (602) 255-0192**

8 Mark S. Bosco
9 State Bar No. 010167
10 Leonard J. McDonald
11 State Bar No. 014228
12 Attorneys for Movant

13 11-04825

14 **Dated: March 30, 2011**



GEORGE B. NIELSEN, JR
U.S. Bankruptcy Judge

10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 **IN RE:**

13 Shad El Fernandez and Judy L. Fernandez
14 Debtors.

15 No. 2:11-BK-03409-GBN

16 Chapter 7

17 ORDER

18 (Related to Docket #9)

19 Bank of America, NA
20 Movant,

21 vs.

22 Shad El Fernandez and Judy L. Fernandez, Debtors,
23 Dale D. Ulrich, Trustee.

24 Respondents.

25 Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed
26 Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any,
and no objection having been received, and good cause appearing therefore,

27 **IT IS HEREBY ORDERED** that all stays and injunctions, including the automatic stays imposed

1 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real
2 property which is the subject of a Deed of Trust dated September 1, 2005 and recorded in the office of the
3 Pinal County Recorder wherein Bank of America, NA is the current beneficiary and Shad El Fernandez
4 and Judy L. Fernandez have an interest in, further described as:

5 Lot 007, JOHNSON RANCH UNIT 18, according to the plat of record in the office of the county
6 recorder of Pinal
7 County, Arizona, recorded in Cabinet D, Slide 129;
8 Except all oil, gas, and other hydrocarbon substances, helium or other substances of a gaseous
9 nature, coal,
10 metals, fossils, fertilizers of every name and description; and
11 Except all uranium, thorium, or any other materials which may be determined by the laws of the
12 United States or
13 of this state, or decisions of courts to be peculiarly essential to the production of fissionable
14 materials, whether
15 or not of commercial value, as reserved in Arizona Revised Statutes.

16
17 IT IS FURTHER ORDERED that Movant may contact the Debtors by telephone or written
18 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
19 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
20 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
21 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

22
23 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter
24 to which the Debtor may convert.

25
26